

REMARKS

The claims remaining in the present application are Claims 1-27. Claims 1, 12 and 20 have been amended. No new matter has been added.

CLAIM REJECTIONS

35 U.S.C. §102

Claims 1, 2, 4-6, 8-10, 12-13, 15-21 and 23-27

Claims 1, 2, 4-6, 8-10, 12-13, 15-21 and 23-27 are rejected under 35 U.S.C. §102(a) as being anticipated by U.S. Patent No. 6,026,430 by Butman et al. (referred to hereinafter as “Butman”). Applicants respectfully submit that embodiments of the present invention are neither taught nor suggested by Butman.

Applicants have amended Independent Claims 1, 12 and 20 to include the feature of “wherein said direct communication is not virtual and includes physical data transfer between said client and said resource.” Applicants note that in the analysis portion of the Decision on Appeal, it is noted that the claims do not prevent virtual communications. Applicants submit that the present claimed invention now precludes virtual communication, because a virtual communication does not include “physical data transfer between said client and said resource,” as claimed. As such, Applicants submit that Butman does not teach each claimed feature of Independent Claims 1, 12 and 20.

MPEP §2131 provides:

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). ... “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim.

Applicants respectfully submit that Butman does not teach or suggest, among other things, “a resource that said interactive grid computing service provider reserves for a client based on a request from said client for an interactive session for

a service that said resource is enabled to provide... a remote display server... wherein said client is enabled to communicate directly with said resource over said secure connection during said interactive session wherein said direct communication is not virtual and includes physical data transfer between said client and said resource," as recited by Claim 1.

Butman teaches a way of using a registration based system that uses domain and client communication servers and resource locators as a part of determining what functions can be executed on domain or client communications servers to selectively direct information between clients, and in some cases, virtually.

For example, Butman states in the abstract,

A registry to organize information from client entities on different networks for selective sharing, having a first computer having a disk for storing dynamic client registry and resource locators containing function names. A web server causes the first computer to respond to the resource locators by loading the function name indicated. A database management program organizes the dynamic client registry. The system also includes a domain communications server which is used by the web server to respond to resource locators directed to it and to direct the database management program in organizing the dynamic client registry; several secondary computers networked with the first, each having a disk for storing a dynamic group registry and resource locators containing function names, a web server which causes the secondary computer to respond to resource locators by loading the function name indicated, a database management program for organizing the dynamic group registry; a client side communications server in each secondary computer, which responds to resource locators directed to the client side communications server and which directs the database management program in organizing the dynamic group registry; a domain communications resource locator list stored in all computers that causes functions to be selected for execution in the domain communications server; a client side communications resource location list stored in all computers that causes functions to be selected for execution in each client side communications server so that communications between the first computer and each secondary computer cause the selected functions to selectively direct information to secondary computers.

A dynamic client registry as taught by Butman could be used for internal communications between employees associated with a company or for external communications with customers, vendors, etc. as indicated at Col. 1 lines 16-20. A

dynamic client registry as taught by Butman could be used in the area of investment management firms, news broadcast organizations, investment banking as indicated at Col. 12 lines 61-67.

At Col. 15 lines 56-61, Butman states,

In a preferred embodiment, a client side communications server CSS is used at each customer or client's site to serve all content produced internally, by the client, and also to handle reception of all content distributed from outside the client but within the domain served by domain communications server A1.

At Col. 16 lines 3-6, Butman states, "Also in a preferred embodiment a client side communications server CSS for a given customer must use a domain communications server to communicate with other customers that are external to it." Butman teaches at Col. 14 lines 56-61 and Col. 16 lines 3-6 that regardless of whether content is communicated internally or externally with respect to a company, Butman's clients never communicate directly with each other. Therefore, Butman teaches away from "wherein said client is enabled to communicate directly with said resource over said secure connection during said interactive session wherein said direct communication is not virtual and includes physical data transfer between said client and said resource," as recited by Claim 1.

The Office Action states, "a resource (see col. 21 lines 25-57...resource which may be a text file, PDF file, or a movie..." However, Butman's text file, PDF file or movie is not coupled to a first firewall nor would it make sense to couple a text file PDF file or a movie with a firewall. The Office Action then states "a first firewall coupled to said resource for protecting said resource (see col. 13 lines 42-54, resource servers are coupled to a firewall)..." Now it appears the Office Action is asserting that so called "resource servers" teach Claim 1's "resource." Butman states at Col. 13 lines 42-54,

Still in FIG. 1a client C2 might be an investment bank C2 that has offices in Hong Kong, New York and London, all connected with each other through the bank's wide area network C2WAN to form an internal network. The bank's entire network is shielded from external intrusion by firewall F2. Each of investment bank C2's sites at Hong Kong, New York and London has its own Local Area Network -C2-HKLAN in Hong Kong, C2-NYLAN in New York, and

C2-LNLan in London, with terminals T using standard commercially available Web browsers also connected at each Local Area Network.

Note that the term “resource servers” is never mentioned in Col. 13 lines 42-54. Applicants respectfully request that the next Office Action clearly and consistently indicate what elements described by a cited reference are alleged to be analogous to elements recited by Applicants’ claims. For example, on page 3 the Office Action first asserts that Butman’s text file, PDF file or a movie teaches Claim 1’s resource. Then the Office Action states asserts that so called “resource server,” which doesn’t even appear in the cited portion Col. 13 lines 42-54, teaches Claim 1’s “resource.”

The Office Action asserts at the top of Page 4 that “servers store objects which may be a drawing or a movie...” teaches Claim 1’s “remote display server.” However, a server that stores objects does not teach a remote display server.

For at least these reasons, independent Claim 1 is patentable over Butman. For similar reasons independent Claims 12 and 20 should be patentable over Butman. Since Butman teaches away from the embodiments recited by the independent Claims 1, 12 and 20, it would be improper not only for future Office Actions to cite Butman in an anticipation rejection but also to combine Butman with another reference as a part of an obviousness rejection.

Claims 1-11 depend on Claim 1. Claims 13-19 depend on Claim 12. Claims 21-27 depend on Claim 20. These dependent claims include all of the features of their respective independent claims. Therefore, these dependent claims should be patentable for at least the reasons that their respective independent claims should be patentable.

35 U.S.C. §103

Claims 3, 7, 11, 14, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Butman in view of Herse (7,127,745). The rejection is respectfully traversed for the following rational.

“As reiterated by the Supreme Court in KSR, the framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). Obviousness is a question of law based on underlying factual inquiries” including “[a]scertaining the differences between the claimed invention and the prior art” (MPEP 2141(II)). “In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious” (emphasis in original; MPEP 2141.02(I)). Applicant notes that “[t]he prior art reference (or references when combined) need not teach or suggest all the claim limitations, however, Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art” (emphasis added; MPEP 2141(III)).

Applicants respectfully submit that “[i]t is improper to combine references where the references teach away from their combination” (emphasis added; MPEP 2145(X)(D)(2); *In re Grasselli*, 713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983)). Applicants respectfully note that “[a] prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention” (emphasis in original; MPEP 2141.02(VI); *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984)). Applicants respectfully submit that there is no motivation to combine the teachings of Butman and Herse, because Butman teaches away from the suggested modification.

As already stated, Applicants understand independent Claims 1, 12 and 20 to be patentable over Butman. Applicants respectfully submit that Herse does not remedy the deficiency in Butman in that Herse does not teach, describe or suggest the embodiments recited by independent Claims 1, 12 and 20. In fact, the Office Action does not assert that Herse teaches, describes or suggests the embodiments recited by independent Claims 1, 12 and 20. Applicants respectfully agree.

Moreover, Applicants respectfully submit that Butman teaches away from the embodiments recited by independent Claims 1, 12 and 20. **Specifically, by disclosing that each** of Butman's client side communication servers "... is located behind the firewall F, of its respective corporate site" (emphasis added) and that "a given customer must use a domain communications server to communicate with other customers that are external to it," (emphasis added) Butman teaches away from the embodiments recited by independent Claims 1, 12 and 20 and therefore Applicants understand independent Claims 1, 12 and 20 to be patentable over the combination of Butman and Herse.

Claims 1, 7 and 11 depend on independent Claim 1. Claim 14 depends on independent Claim 12. Claim 22 depends on independent Claim 20. These dependent claims include all of the features of their respective independent claims. Therefore, these dependent claims should be patentable for at least the reasons that their respective independent claims should be patentable.

CONCLUSION

In light of the above listed amendments and remarks, reconsideration of the rejected claims is requested. Based on the arguments and amendments presented above, it is respectfully submitted that Claims 1-27 overcome the rejections of record. For reasons discussed herein, Applicants respectfully request that Claims 1-27 be considered by the Examiner. Therefore, allowance of Claims 1-27 is respectfully solicited.

Should the Examiner have a question regarding the instant amendment and response, the Applicants invite the Examiner to contact the Applicants' undersigned representative at the below listed telephone number.

Respectfully submitted,
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